

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

<b>IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (NO. II)</b>  This Document Relates to:  Deeann Cisco	<b>MDL No. 2789 Case No.: 2:17-md-2789 (CCC)(MF)</b>
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**FIRST AMENDED SHORT FORM COMPLAINT AND JURY DEMAND**

The Plaintiff(s) n a m e d b e l o w file(s) this *First Amended Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through their undersigned counsel and as permitted by Case Management Order No. 7. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Proton-Pump Inhibitor Products Liability Litigation*, MDL 2789, in the United States District Court for the District of New Jersey pursuant to Case Management Order No. 7.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**Identification of Plaintiff(s)**

1. Name of individual injured/deceased due to the use of PPI Product(s): Deeann Cisco.
2. Consortium Claim(s): The following individual(s) allege damages for loss of

consortium: Not Applicable

3. Survival and/or Wrongful Death Claims:

- a. Plaintiff, \_\_\_\_\_, is filing this case in a representative capacity as the \_\_\_\_\_ of the Estate of \_\_\_\_\_, deceased.
- b. Survival Claim(s): The following individual(s) allege damages for survival claims, as permitted under applicable state laws: \_\_\_\_\_  
\_\_\_\_\_.

4. As a result of using PPI Products, Plaintiff/Decedent suffered pain and suffering, emotional distress, mental anguish, and personal and economic injur(ies) that are alleged to have been caused by the use of the PPI Products identified in Paragraph 10, below, but not limited to the following:

injury to himself/herself  
 injury to the person represented  
 wrongful death  
 survivorship action  
 economic loss  
 loss of services  
 loss of consortium  
 other: \_\_\_\_\_

**Identification of Defendants**

5. Plaintiff(s)/Decedent is/are suing the following Defendant(s) (please check all that apply):

Abbott Laboratories

- ✓ AstraZeneca Pharmaceuticals LP
- ✓ AstraZeneca LP

GlaxoSmithKline Consumer Healthcare Holdings (US) LLC

GlaxoSmithKline Consumer Healthcare LP

GlaxoSmithKline Consumer Healthcare Holdings (US) IP LLC

Merck & Co. Inc. d/b/a Merck, Sharp & Dohme Corporation

Novartis Corporation

Novartis Pharmaceutical Corporation

Novartis Vaccines and Diagnostics, Inc.

Novartis Institutes for Biomedical Research, Inc.

Novartis Consumer Health, Inc.

Pfizer, Inc.

The Procter & Gamble Company

Procter & Gamble Manufacturing Company

Takeda Pharmaceuticals USA, Inc.

Takeda Pharmaceuticals America, Inc.

Takeda Pharmaceuticals LLC

Takeda Pharmaceuticals International, Inc.

Takeda California, Inc.

Takeda Development Center Americas, Inc. f/k/a Takeda Global Research & Development Center, Inc.

Takeda Pharmaceutical Company Limited

TAP Pharmaceutical Products, Inc. f/k/a TAP Holdings Inc.

Wyeth Pharmaceuticals, Inc.

Wyeth-Ayerst Laboratories

Wyeth LLC

Other(s) Defendant(s) (please identify):

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### **JURISDICTION & VENUE**

#### **Jurisdiction:**

6. Jurisdiction in this Short Form Complaint is based on:

Diversity of Citizenship

Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).\_\_

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#### **Venue:**

7. District Court(s) in which venue was proper where you might have otherwise filed this

*Short Form Complaint* absent Case Management Order No. 7 entered by this Court

and/or to where remand could be ordered: United States District Court for the Eastern  
District of Texas\_\_.

**CASE SPECIFIC FACTS**

8. Plaintiff(s) currently reside(s) in (City, State): Beaumont, TExas.
9. To the best of Plaintiff's knowledge, Plaintiff/Decedent used PPI Product(s) during the following time period: 11/25/2011-06/30/2017.
10. Plaintiff/Decedent used the following PPI Products, for which claims are being asserted:

Dexilant

✓ Nexium

Nexium 24HR

Prevacid

Prevacid 24HR

Prilosec

Prilosec OTC

Protonix

Other (List All):

11. The injuries suffered by Plaintiff/Decedent as a result of the use of PPI Products include, among others that will be set forth in Plaintiff's discovery responses and medical records:

Acute Interstitial Nephritis (AIN)

Acute Kidney Injury (AKI)

✓ Chronic Kidney Disease (CKD)

End Stage Renal Disease (ESRD)

Dialysis

Death

Other(s) (please specify):

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12. At the time of the Plaintiff's/Decedent's diagnosis of injury, Plaintiff/Decedent resided in (City, State): Beaumont, Texas.

**CAUSES OF ACTION**

13. Plaintiff(s), again, hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

14. The following claims and allegations asserted in the Master *Long Form Complaint and Jury Demand* are herein more specifically adopted and incorporated by reference by Plaintiff(s) please check all that apply):

- ✓ Count I: Strict Product Liability
- ✓ Count II: Strict Product Liability – Design Defect
- ✓ Count III: Strict Product Liability – Failure to Warn
- ✓ Count IV: Negligence
- ✓ Count V: Negligence *Per Se*
- ✓ Count VI: Breach of Express Warranty
- ✓ Count VII: Breach of Implied Warranty
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Fraud and Fraudulent Misrepresentation
- ✓ Count X: Fraudulent Concealment

Count XI: Violation of State Consumer Protection Laws of the State(s) of:

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## Count XII: Loss of Consortium

### Count XIII: Wrongful Death

#### Count XIV: Survival Action

Furthermore, Plaintiff(s) assert(s) the following additional theories and/or

Causes of Action against Defendant(s) identified in Paragraph five (5) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure:

**WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit and such further relief as the Court deems equitable and just, and as set forth in the *Master Long Form Complaint and Jury Demand*, as appropriate.

**JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: 04/15/19

Respectfully Submitted,

/s/ Sejal K. Brahmbhatt

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